

ESTTA Tracking number: **ESTTA397161**

Filing date: **03/09/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Companhia de Bebidas das Americas - AmBev
Granted to Date of previous extension	03/09/2011
Address	R. Dr. Renato Paes de Barros, 1017 4 th Andar Sao Paulo sp, 4538-0001 BRAZIL

Attorney information	David M. Kelly Finnegan Henderson et al 901 New York Avenue, NW Washington, DC 20001-4413 UNITED STATES docketing@finnegan.com, david.kelly@finnegan.com, stephanie.bald@finnegan.com, larry.white@finnegan.com, alanna.cheli@finnegan.com Phone:202-408-4000
----------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Applicant Information

Application No	77181957	Publication date	11/09/2010
Opposition Filing Date	03/09/2011	Opposition Period Ends	03/09/2011
Applicant	Endurance Brewing Company, LLC 47 West Cedar Street, Suite #8 Boston, MA 02114 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. All goods and services in the class are opposed, namely: Beer and all related categories, namely, ales, lagers, pilsners, stouts, and porters


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2272294	Application Date	08/18/1998
Registration Date	08/24/1999	Foreign Priority Date	NONE
Word Mark	ANTARCTICA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1885/00/00 First Use In Commerce: 1998/03/18 [BEER AND] SOFT DRINKS

U.S. Registration No.	3290312	Application Date	03/24/2005
Registration Date	09/11/2007	Foreign Priority Date	NONE
Word Mark	G GUARANA ANTARCTICA THE BRAZILIAN ORIGINAL		
Design Mark			
Description of Mark	The mark consists of the stylized words "GUARANA ANTARCTICA THE BRAZILIAN ORIGINAL" inside of a rectangular border with three berries and a leaf in front of a stylized "G".		
Goods/Services	Class 032. First use: First Use: 2003/12/27 First Use In Commerce: 2003/12/27 Guarana soft drinks		

U.S. Application No.	77181474	Application Date	05/15/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GUARANA ANTARCTICA ZERO AÃ#Ã#CAR		
Design Mark			
Description of Mark	The mark consists of the words "GUARANA ANTARCTICA ZERO ACUCAR" and designs of swirl, berries, and bubbles, all enclosed on a can container. The words "GUARANA ANTARCTICA," the border and 3 berries are in red. The leaves on the berries, the words "ZERO AÃ#Ã#CAR" and the swirl and bubble designs are in green.		
Goods/Services	Class 032. First use: Soft drinks		

Attachments	78594031#TMSN.jpeg (1 page)(bytes) 77181474#TMSN.jpeg (1 page)(bytes) 03.09.2011 - Notice of Opposition.PDF (28 pages)(392263 bytes)
-------------	-------------------------------------------------------------------------------------------------------------------------------------------------------

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/David M. Kelly/
Name	David M. Kelly
Date	03/09/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>ENDURANCE BREWING COMPANY, LLC</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. _____</p> <p>Application No.: 77181957 Mark: ARCTICA Filing Date: May 15, 2007</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------

NOTICE OF OPPOSITION

Companhia de Bebidas das Americas - Ambev ("Opposer"), a Brazilian corporation, having its principal place of business at Rua Dr. Renato Paes de Barros, 1017 4° Andar, São Paulo SP, Brazil CEP 4538-0001, believes that it is being and will be damaged by the registration of Endurance Brewing Company, LLC's ("Applicant") ARCTICA mark for "beer and all related categories, namely, ales, lagers, pilsners, stouts, and porters" in Application No. 77181957, and hereby opposes the same. As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

Opposer and Its ANTARCTICA AND GUARANA ANTARCTICA Marks

1. Opposer is a Brazilian corporation with its principal place of business at Rua Dr. Renato Paes de Barros, 1017 4° Andar, São Paulo SP, Brazil CEP 4538-0001.
2. Opposer, through its predecessors-in-interest and related companies, is one of world's largest brewers. Opposer produces, sells, and distributes a wide variety

of beverages, including but not limited to beer, soft drinks, sports drinks, iced tea, water, and malt.

3. Among Opposer's most popular products is its GUARANA ANTARCTICA soft drink. Opposer has sold and promoted its soft drinks under the ANTARCTICA and GUARANA ANTARCTICA marks in Brazil and a number of other countries for decades. Opposer's GAURANA ANTARCTICA soft drink has been ranked among the best-selling soft drinks in the world.

4. Since prior to the May 15, 2007 filing date of Application Serial No. 77181957, and any date of first use that may be alleged by Applicant, Opposer, itself or through its predecessors, related companies, licensees, and authorized distributors, has used its ANTARCTICA and GUARANA ANTARCTICA marks in commerce in the United States in connection with beverages.

5. Opposer owns the following United States trademark registrations for the ANTARCTICA and GUARANA ANTARCTICA marks in word or design formats:

MARK	REG. NO.	REG. DATE	GOODS
ANTARCTICA	2272294	8/24/1999	Soft drinks
GUARANA ANTARCTICA and Design	3290312	9/11/2007	Guarana soft drinks

TESS/TARR and Assignment printouts are attached as Exhibit A.

6. The existence of the valid and subsisting federal trademark registrations shown above is *prima facie* evidence of the ownership and validity of the ANTARCTICA and GUARANA ANTARCTICA marks. Moreover, Reg. No. 2272294 is incontestable pursuant to 15 U.S.C. § 1065(b), and constitutes conclusive evidence of Opposer's

exclusive right to use the mark for the products specified in that registration pursuant to 15 U.S.C. §§ 1065 and 1115(b).

7. Opposer also owns the following United States trademark application for the GUARANA ANTARCTICA ZERO ACUCAR and design mark:

MARK	APPL NO	FILED DATE	GOODS
GUARANA ANTARCTICA ZERO ACUCAR and Design	77181474	5/15/2007	Soft drinks

TESS/TARR and Assignment printouts are attached as Exhibit B.

8. Opposer's pleaded registration for the ANTARCTICA mark issued prior to the May 15, 2007 filing date of Application Serial No. 77181957, and any date of first use that may be alleged by Applicant. Opposer's application that matured into Registration No. 3290312 for the GUARANA ANTARCTICA mark and its prior pending application set forth in Paragraph 7 above were also filed before the May 15, 2007 filing date and time of Application Serial No. 77181957, and any date of first use that may be alleged by Applicant.

Applicant and Its ARCTICA Application

9. Applicant Endurance Brewing Company, LLC is a limited liability company of the Commonwealth of Massachusetts with an address of 47 West Cedar Street, Suite #8, Boston, Massachusetts 02114.

10. Applicant is the listed owner of intent-to-use Application No. 77181957, filed May 15, 2007, for the mark ARCTICA for "beer and all related categories, namely, ales, lagers, pilsners, stouts, and porters" in International Class 32.

Likelihood of Confusion, 15 U.S.C. § 1052(d)

11. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 10.

12. Applicant's ARCTICA mark so resembles Opposer's prior used and registered ANTARCTICA and GUARANA ANTARCTICA marks, and prior pending application for its GUARANA ANTARCTICA ZERO ACUCAR mark, as to be likely, when used in connection with the identified goods, to cause confusion, or to cause mistake, or to deceive, all in violation of Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it is being and will be damaged by the registration of the ARCTICA mark shown in Application No. 77181957, and respectfully requests that registration be refused, and that this Opposition be sustained in favor of Opposer.

The \$300 filing fee has been submitted electronically. Any deficiency in the fee should be charged to Deposit Account No. 06-0916.

Respectfully submitted,

COMPANHIA DE BEBIDAS DAS AMERICAS -
AMBEV

Dated: March 9, 2011

By: 

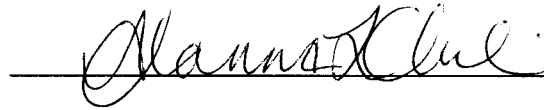
David M. Kelly
Stephanie H. Bald
Attorneys for Opposer

Finnegan, Henderson,
Farabow, Garrett & Dunner, L.L.P.
901 New York Ave., N.W.
Washington, D.C. 20001-4413
Telephone: 202-408-4000
Facsimile: 202-408-4400

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by First Class Mail, postage prepaid, on this 9th day of March 2011, upon Applicant at the following address of record:

ENDURANCE BREWING COMPANY, LLC
47 W CEDAR ST APT 8
BOSTON, MA 02114-3363

A handwritten signature in black ink, appearing to read "Shannon Kline", is written over a horizontal line.

Notice of Opposition
COMPANHIA DE BEBIDAS DAS AMERICAS – AMBEV
v. ENDURANCE BREWING COMPANY, LLC
Application No. 77181957
Mark: ARCTICA

Exhibit A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Mar 9 04:06:52 EST 2011

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 8 out of 8**

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	ANTARCTICA
Goods and Services	IC 032. US 045 046 048. G & S: [BEER AND] SOFT DRINKS. FIRST USE: 18850000. FIRST USE IN COMMERCE: 19980318
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75538366
Filing Date	August 18, 1998
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 1, 1999
Registration Number	2272294
Registration Date	August 24, 1999
Owner	(REGISTRANT) COMPANHIA ANTARCTICA PAULISTA-INDUSTRIA BRASILEIRA DE BEBIDAS E CONEXOS CORPORATION BRAZIL Avenida Presidente Wilson, 274, Sao Paulo State of Sao Paulo BRAZIL
	(LAST LISTED OWNER) COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV CORPORATION BRAZIL 1017-3 E 4 ANDARES (PARTES) R. DR. RENATO PAES DE BARROS SAO PAULO BRAZIL 04530000
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	David M. Kelly
Prior Registrations	1620281;1654999

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090924.
Renewal 1ST RENEWAL 20090924
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-03-09 13:09:19 ET

Serial Number: 75538366 Assignment Information Trademark Document Retrieval

Registration Number: 2272294

Mark (words only): ANTARCTICA

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2009-09-24

Filing Date: 1998-08-18

Transformed into a National Application: No

Registration Date: 1999-08-24

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2009-09-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV

Address:

COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV
1017-3 E 4 ANDARES (PARTES) R. DR. RENATO PAES DE BARROS
SAO PAULO 04530000
Brazil

Legal Entity Type: Corporation

State or Country of Incorporation: Brazil

GOODS AND/OR SERVICES

International Class: 032
Class Status: Active
SOFT DRINKS
Basis: 1(a)
First Use Date: 1885-00-00
First Use in Commerce Date: 1998-03-18

ADDITIONAL INFORMATION

Prior Registration Number(s):
1620281
1654999

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-01-21 - Automatic Update Of Assignment Of Ownership
2009-09-24 - First renewal 10 year
2009-09-24 - Section 8 (10-year) accepted/ Section 9 granted
2009-09-24 - Case Assigned To Post Registration Paralegal
2009-08-27 - Assigned To Paralegal
2009-08-24 - TEAS Section 8 & 9 Received
2006-08-23 - Case File In TICS
2006-08-16 - Attorney Revoked And/Or Appointed
2006-08-16 - TEAS Revoke/Appoint Attorney Received
2006-05-30 - Section 8 (6-year) accepted & Section 15 acknowledged
2006-05-25 - Assigned To Paralegal
2006-02-24 - Section 8 (6-year) and Section 15 Filed
2006-02-24 - PAPER RECEIVED

1999-08-24 - Registered - Principal Register

1999-06-01 - Published for opposition

1999-04-30 - Notice of publication

1999-01-11 - Approved for Pub - Principal Register (Initial exam)

1999-01-04 - Examiner's amendment mailed

1998-12-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

David M. Kelly

Correspondent

David M. Kelly

Finnegan, Henderson et. al.

901 New York Avenue, N.W.

Washington DC 20001-4413

Phone Number: 202.408.4000

Fax Number: 202.408.4400

Domestic Representative

David M. Kelly

Phone Number: 202.408.4000

Fax Number: 202.408.4400



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 4

Serial #: 75538366

Filing Dt: 08/18/1998

Reg #: 2272294

Reg. Dt: 08/24/1999

Registrant: COMPANHIA ANTARCTICA PAULISTA-INDUSTRIA

Mark: ANTARCTICA

Assignment: 1

Reel/Frame: 2701/0871

Received: 03/31/2003

Recorded: 03/11/2003

Pages: 3

Conveyance: CHANGE OF NAME

Assignor: COMPANHIA ANTARCTICA PAULISTA INDUSTRIA BRASILEIRA DE BEBIDAS A CONEXOS

Exec Dt: 04/06/2001

Entity Type: CORPORATION

Citizenship: BRAZIL

Assignee: COMPANHIA BRASILEIRA DE BEBIDAS

Entity Type: CORPORATION

Citizenship: BRAZIL

AV. MARIA COELHO DE AGUIAR, 215-BLOCO F-6 ANDAR - PARTE-JARDIM

SAO LUIZ, SAO PAULO SP, BRAZIL

Correspondent: PENNIE & EDMONDS LLP

CONSTANCE GOLDEN

1155 AVENUE OF THE AMERICAS

NEW YORK, NY 10036

Assignment: 2

Reel/Frame: 3195/0306

Received: 11/16/2005

Recorded: 11/16/2005

Pages: 7

Conveyance: MERGER

Assignor: COMPANHIA BRASILEIRA DE BEBIDAS

Exec Dt: 05/31/2005

Entity Type: CORPORATION

Citizenship: BRAZIL

Assignee: COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV

Entity Type: CORPORATION

Citizenship: BRAZIL

RUA DR. RENATO PAES DE BARROS, 1017, 40. ANDAR
SAO PAULO, BRAZIL 4530-0001

Correspondent: DAVID M. KELLY

901 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20001-4413

Domestic rep: DAVID M. KELLY

901 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20001-4413

Assignment: 3

Reel/Frame: 3206/0843

Received: 12/08/2005

Recorded: 12/08/2005

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV

Exec Dt: 12/05/2005

Entity Type: CORPORATION

Citizenship: BRAZIL

Assignee: AMBEV USA, INC.

Entity Type: CORPORATION

Citizenship: FLORIDA

3400 N.W. 114TH AVENUE
MIAMI, FLORIDA 33178

Correspondent: DAVID M. KELLY

901 NEW YORK AVENUE, N.W.

FINNEGAN, HENDERSON ET. AL.

WASHINGTON, DC 20001-4413

Assignment: 4**Reel/Frame:** 4130/0366**Received:** 01/13/2010**Recorded:** 01/13/2010**Pages:** 4**Conveyance:** NUNC PRO TUNC ASSIGNMENT**Assignor:** AMBEV USA, INC.**Exec Dt:** 12/07/2009**Entity Type:** CORPORATION**Citizenship:** FLORIDA**Entity Type:** CORPORATION**Citizenship:** BRAZIL**Assignee:** COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV

1017-3 E 4 ANDARES (PARTES)

R. DR. RENATO PAES DE BARROS

SAO PAULO, BRAZIL 04530-000

Correspondent: DAVID M. KELLY

901 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20001-4413

Domestic rep: DAVID M. KELLY

901 NEW YORK AVENUE, N.W.

FINNEGAN, HENDERSON ET AL

WASHINGTON, DC 20001-4413

Search Results as of: 03/09/2011 01:09 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1

Web interface last modified: Apr 30, 2009 v.2.1

[| .HOME | INDEX | SEARCH | eBUSINESS | CONTACT US | PRIVACY STATEMENT](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Mar 9 04:06:52 EST 2011

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: _____ OR [Jump](#) to record: _____ **Record 2 out of 8**
[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)


Word Mark	G GUARANA ANTARCTICA THE BRAZILIAN ORIGINAL
Goods and Services	IC 032. US 045 046 048. G & S: Guarana soft drinks. FIRST USE: 20031227. FIRST USE IN COMMERCE: 20031227
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.03.25 - Leaf, single; Other leaves 05.09.01 - Berries; Raspberries; Strawberries 05.09.25 - Coconuts; Other fruits 05.11.25 - Artichokes; Asparagus; Broccoli; Celery; Other vegetables; Turnips 25.03.25 - Backgrounds covered with other figurative elements or repetitive designs, words or letters; Repetitive designs, words, or letters as a background 26.01.06 - Circles, semi; Semi-circles 26.01.09 - Circles having animals as a border; Circles having geometric figures as a border; Circles having humans as a border; Circles having objects as a border; Circles having plants as a border; Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle. 26.13.13 - Quadrilateral (two quadrilaterals); Two quadrilaterals 26.13.25 - Quadrilaterals with one or more curved sides
Trademark Search Facility Classification Code	LETS-1 G A single letter, multiples of a single letter or in combination with a design SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons VEG Plant life such as trees, flowers, fruits, grains, nuts, wreaths, and leaves
Serial Number	78594031

Filing Date March 24, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition June 26, 2007
Registration Number 3290312
Registration Date September 11, 2007
Owner (REGISTRANT) COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV CORPORATION BRAZIL
RUA DR. RENATO PAES DE BARROS 1017 4 ANDAR SAO PAULO SP, CEP BRAZIL 4538001
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record David M. Kelly
Prior Registrations 2272294;2284328;2802754
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GUARANA, THE BRAZILIAN ORIGINAL" APART FROM THE MARK AS SHOWN
Description of Mark The color(s) red, green and white is/are claimed as a feature of the mark. The color red appears in the guarana berries, the wording "GUARANA ANTARCTICA" and in the outer border around this wording. The color white appears in the rectangular background behind the wording "GUARANA ANTARCTICA", in the lettering of the wording "THE BRAZILIAN ORIGINAL". The color green appears in the guarana leaf, in the stylized letter "G" and the remaining background behind the rectangular design. The mark consists of the stylized words "GUARANA ANTARCTICA THE BRAZILIAN ORIGINAL" inside of a rectangular border with three berries and a leaf in front of a stylized "G".
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-03-09 13:09:45 ET

Serial Number: 78594031 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3290312

Mark



(words only): G GUARANA ANTARCTICA THE BRAZILIAN ORIGINAL

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-09-11

Filing Date: 2005-03-24

Transformed into a National Application: No

Registration Date: 2007-09-11

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-09-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV

Address:

COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV
RUA DR. RENATO PAES DE BARROS 1017 4 ANDAR
SAO PAULO SP, CEP 4538001
Brazil

Legal Entity Type: Corporation**State or Country of Incorporation:** Brazil

GOODS AND/OR SERVICES

International Class: 032**Class Status:** Active

Guarana soft drinks

Basis: 1(a)**First Use Date:** 2003-12-27**First Use in Commerce Date:** 2003-12-27

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) red, green and white is/are claimed as a feature of the mark.

Description of Mark and Any Color Part(s): The color red appears in the guarana berries, the wording "GUARANA ANTARCTICA" and in the outer border around this wording. The color white appears in the rectangular background behind the wording "GUARANA ANTARCTICA", in the lettering of the wording "THE BRAZILIAN ORIGINAL". The color green appears in the guarana leaf, in the stylized letter "G" and the remaining background behind the rectangular design.

Disclaimer: "GUARANA, THE BRAZILIAN ORIGINAL"

Description of Mark: The mark consists of the stylized words "GUARANA ANTARCTICA THE BRAZILIAN ORIGINAL" inside of a rectangular border with three berries and a leaf in front of a stylized "G".

Design Search Code(s):**05.03.25** - Leaf, single; Other leaves**05.09.01** - Berries; Raspberries; Strawberries**05.09.25** - Coconuts; Other fruits**05.11.25** - Artichokes; Asparagus; Avocados; Broccoli; Celery; Other vegetables; Turnips**25.03.25** - Backgrounds covered with other figurative elements or repetitive designs, words or letters; Repetitive designs, words, or letters as a background**26.01.06** - Circles, semi; Semi-circles**26.01.09** - Circles having animals as a border; Circles having geometric figures as a border; Circles having humans as a border; Circles having objects as a border; Circles having plants as a border; Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle.**26.13.13** - Quadrilateral (two quadrilaterals); Two quadrilaterals**26.13.25** - Quadrilaterals with one or more curved sides**Prior Registration Number(s):**

2272294

2284328
2802754

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-11 - Registered - Principal Register
2007-06-26 - Published for opposition
2007-06-06 - Notice of publication
2007-04-25 - Law Office Publication Review Completed
2007-04-06 - Approved for Pub - Principal Register (Initial exam)
2007-03-16 - Amendment From Applicant Entered
2007-03-07 - Communication received from applicant
2007-03-07 - PAPER RECEIVED
2007-02-12 - Examiner's Amendment/Priority Action E-Mailed
2007-02-12 - Examiners Amendment And/Or Priority Action - Completed
2007-01-26 - Amendment From Applicant Entered
2006-12-28 - Communication received from applicant
2007-01-26 - Assigned To LIE
2006-12-28 - PAPER RECEIVED
2006-10-16 - Assigned To Examiner
2006-06-29 - NON-FINAL ACTION E-MAILED
2006-06-29 - Non-Final Action Written
2006-06-28 - Examiner's Amendment Entered
2006-06-28 - EXAMINERS AMENDMENT E-MAILED

2006-06-28 - Examiners Amendment -Written
2006-06-15 - Assigned To Examiner
2006-05-30 - Attorney Revoked And/Or Appointed
2006-05-30 - TEAS Revoke/Appoint Attorney Received
2006-05-25 - Amendment From Applicant Entered
2006-04-26 - Communication received from applicant
2006-04-26 - PAPER RECEIVED
2005-10-26 - Non-final action e-mailed
2005-10-26 - Non-Final Action Written
2005-10-19 - Assigned To Examiner
2005-03-29 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

David M. Kelly

Correspondent

DAVID M. KELLY
FINNEGAN, HENDERSON, FARABOW ET AL
901 NEW YORK AVE NW
WASHINGTON, DC 20001-4432
Phone Number: 202.408.4000
Fax Number: 202.408.4400

Domestic Representative

David M. Kelly
Phone Number: 202.408.4000
Fax Number: 202.408.4400



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 78594031

Filing Dt: 03/24/2005

Reg #: 3290312

Reg. Dt: 09/11/2007

Registrant: COMPANHIA DE BEBIDAS DAS AMERICAS - AMBE

Mark: G GUARANA ANTARCTICA THE BRAZILIAN ORIGI

Assignment: 1

Reel/Frame: 3209/0792

Received: 12/14/2005

Recorded: 12/14/2005

Pages: 13

Conveyance: MERGER

Assignor: COMPANHIA BRASILEIRA DE BEBIDAS

Exec Dt: 05/31/2005

Entity Type: CORPORATION

Citizenship: BRAZIL

Entity Type: CORPORATION

Citizenship: BRAZIL

Assignee: COMPANHIA DE BEBIDAS DAS AMERICAS - AMBEV

RUA DR. RENATO PAES DE BARROS

1017 4 ANDAR

SAO PAULO SP, BRAZIL CEP 4538-001

Correspondent: DAVID M. KELLY

901 NEW YORK AVENUE, N.W.

FINNEGAN, HENDERSON ET. AL.

WASHINGTON, DC 20001-4413

Domestic rep: DAVID M. KELLY

901 NEW YORK AVENUE, N.W.

FINNEGAN, HENDERSON ET. AL.

WASHINGTON, DC 20001-4413

Search Results as of: 03/09/2011 01:09 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1

Web interface last modified: Apr 30, 2009 v.2.1

[| .HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Notice of Opposition
COMPANHIA DE BEBIDAS DAS AMERICAS – AMBEV
v. ENDURANCE BREWING COMPANY, LLC
Application No. 77181957
Mark: ARCTICA

Exhibit B



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Mar 9 04:06:52 EST 2011

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE: DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)


Word Mark	GUARANA ANTARCTICA ZERO AÇÚCAR
Translations	The foreign wording in the mark translates into English as sugar.
Goods and Services	IC 032. US 045 046 048. G & S: Soft drinks
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.15.11 - Bubbles; Foam (bubbles); Foamy mass; Soap suds; Suds, soap 05.09.01 - Berries; Raspberries; Strawberries 19.07.17 - Beer cans; Cans, beer; Cans, gasoline; Cans, other small cans; Cans, soda; Canteens (drinking); Gasoline cans 26.01.26 - Coils; Spirals; Swirls
Serial Number	77181474
Filing Date	May 15, 2007
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	May 6, 2008
Owner	(APPLICANT) Companhia de Bebidas das Américas - AMBEV CORPORATION BRAZIL (partes), conj.41 e 42, do Ed. Corp Park R.Dr.Renato Paes deBarros,1017-3 e4 anda Sao Paulo-SP BRAZIL 04530-000
Attorney of Record	Jody H. Drake
Prior Registrations	2272294;2802754

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GUARANA, ZERO AND AÇÚCAR" APART FROM THE MARK AS SHOWN

Description of Mark The color(s) red and green is/are claimed as a feature of the mark. The mark consists of the words "GUARANA ANTARCTICA ZERO ACUCAR" and designs of swirl, berries, and bubbles, all enclosed on a can container. The words "GUARANA ANTARCTICA," the border and 3 berries are in red. The leaves on the berries, the words "ZERO AÇÚCAR" and the swirl and bubble designs are in green.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-03-09 13:10:23 ET

Serial Number: 77181474 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark



(words only): GUARANA ANTARCTICA ZERO AÇÚCAR

Standard Character claim: No

Current Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Date of Status: 2008-09-03

Filing Date: 2007-05-15

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
SHARPER JR SAMUEL E

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-03-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Companhia de Bebidas das Américas - AMBEV

Address:

Companhia de Bebidas das Américas - AMBEV
(partes), conj.41 e 42, do Ed. Corp Park R.Dr.Renato Paes deBarros,1017-3 e4 anda
Sao Paulo-SP 04530-000
Brazil
Legal Entity Type: Corporation
State or Country of Incorporation: Brazil

GOODS AND/OR SERVICES

International Class: 032
Class Status: Active
Soft drinks
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) red and green is/are claimed as a feature of the mark.

Disclaimer: "GUARANA, ZERO AND AÇÚCAR"

Description of Mark: The mark consists of the words "GUARANA ANTARCTICA ZERO ACUCAR" and designs of swirl, berries, and bubbles, all enclosed on a can container. The words "GUARANA ANTARCTICA," the border and 3 berries are in red. The leaves on the berries, the words "ZERO AÇÚCAR" and the swirl and bubble designs are in green.

Translation: The foreign wording in the mark translates into English as sugar.

Design Search Code(s):

01.15.11 - Bubbles; Foam (bubbles); Foamy mass; Soap suds; Suds, soap

05.09.01 - Berries; Raspberries; Strawberries

19.07.17 - Beer cans; Cans, beer; Cans, gasoline; Cans, other small cans; Cans, soda; Canteens (drinking); Gasoline cans

26.01.26 - Coils; Spirals; Swirls

Prior Registration Number(s):

2272294

2802754

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-09-03 - Opposition instituted for Proceeding
2008-06-04 - Extension Of Time To Oppose Received
2008-05-06 - Published for opposition
2008-04-16 - Notice of publication
2008-03-28 - Law Office Publication Review Completed
2008-03-28 - Assigned To LIE
2008-03-16 - Approved For Pub - Principal Register
2008-03-03 - Teas/Email Correspondence Entered
2008-03-03 - Communication received from applicant
2008-03-03 - TEAS Response to Office Action Received
2007-09-04 - Notification Of Non-Final Action E-Mailed
2007-09-04 - Non-final action e-mailed
2007-09-04 - Non-Final Action Written
2007-08-28 - Assigned To Examiner
2007-05-19 - Notice Of Design Search Code Mailed
2007-05-18 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jody H. Drake

Correspondent

JODY H. DRAKE
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE NW SUITE 800
WASHINGTON, DC 20037-3213
Phone Number: 202-293-7060
Fax Number: 202-293-7860

Domestic Representative

Jody H. Drake

Phone Number: 202-293-7060

Fax Number: 202-293-7860



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)



Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 77181474

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1
Web interface last modified: Apr 30, 2009 v.2.1

[| .HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)